

### For Reform of Legal Representation in Justice of the Peace Courts

An undue hardship is created by a current representative law that requires a Landlord to represent himself in JP Courts or be represented by an attorney. This situation is compounded by current laws requiring a mediation hearing prior to court proceedings, and is especially true when a Landlord is not a resident.

No matter who represents a property owner if that individual is not satisfied with the outcome of a JP decision, that decision may be appealed to district court through a licensed Jurist. Such requirement for a Landlord or attorney representation is misplaced and creates unwarranted time and expenses. Most J. P. Judges in Montana are not members of the Bar Association, so it should not be required of any citizen seeking justice for themselves or for friends or relatives in a "People's Court" as long as that representative is not being paid specifically for that service.

In most cases where a property manager is retained that manager has firsthand knowledge of the case to be tried, unlike an absentee property owner. The amounts of money sought are usually not as important as possession of the property and therefore clearly does not warrant the expense of retaining an attorney or travel expenses and other burdens incurred by a Landlord. This gross injustice is compounded when the Landlord is a senior citizen, is handicapped, or both such as I am.

Current laws are also unfair to tenants in that it creates a possible increase in rents to cover these completely irrelevant expenses.

As citizens of this earth we are endowed by God with certain rights, one of which is the right to determine what is in the best interest of our individual health and well being. The constitution of the United States guarantees those rights and Jurist in this country take an oath to protect those rights. If "Peoples Courts" were more accessible it would take the pressure off District Courts, with less cost to the taxpayers.

It is my contention that this law is currently being applied for no other reason than to promote and protect the practice of law by a specific class of people, namely licensed Jurist and is completely unfair to the citizens of the State of Montana.

For more information on the growth of Peoples Court between 1992 and 1995 [latest survey I could find] please refer to U of M Law Professor Cynthia Ford's Civil Practice in Montana's "People's Courts:" The Proposed Montana Justice and City Court Rules of Civil Procedure dated 1-1-1997 on the internet.

John Rice

P.O. Box 5700

Missoula, Montana 59806

Phone: 1-406-721-0103